

### **REMARKS/ARGUMENTS**

Claims 1 - 40 remain in the application for further prosecution. Claims 1, 15, 29, 32-33, 35, and 37-40 have been amended.

The Office Action has objected to the drawings based on reference number discrepancies. Applicant has amended the specification to make proper reference to element 71 instead of the typographical error of reference number 80. Applicant is submitting amended drawings for Figures 1 and 2 which eliminate the reference number 14 and Figures 4-12 and 14-16 which eliminate the reference numbers 64-66 and 69. Applicant respectfully submits that the changes to the specification and drawings merely correct typographical errors and do not constitute new subject matter.

#### **Claim Rejections - 35 U.S.C. § 112**

The Office Action has rejected claims 1-14 and 29-36 as indefinite and claim 32 for insufficient antecedent basis. Pursuant to the Examiner's suggestion, Applicant has amended claims 1, 32, 35, 37 and 39 to change the term "making an award" to "awarding an award." Applicant has also amended claim 32 to provide antecedent basis for the plurality of pay lines. Applicant has also amended claim 33 to provide proper basis for the term "modified array."

#### **Claim Rejections - 35 U.S.C. § 103**

The Office Action rejected claims 1-28 and 37-40 as obvious over U.S. Patent No. 6,544,120 ("Ainsworth"). Claims 29-36 were rejected as obvious over Ainsworth in view of U.S. Publication No. 2003/0054872 ("Locke").

With regard to claims 1 and 15, these claims relate generally toward a method of conducting a wagering game on a gaming machine that allows expanded symbol arrays. For example, a first plurality of symbols is randomly selected to form a first array. The first array is

displayed and it is determined if the first array has a first winning outcome or payline. A second plurality of symbols is randomly selected and added to the first array to form a second array. It is determined whether the second array has a second winning outcome or payline and an award is awarded for any winning outcome. These methods allow a user to make a second wager to be eligible for an award based on the second array. Such a wager may be made either after examining the first array or prior to the display of the first array and provides additional incentives for a player to place additional wagers for a more entertaining gaming experience. For example, making the second wager after the display of the first array may introduce an element of strategy whether it is favorable to wager on additional symbols being added to form the second array. In such a case, a player may determine that the first array has many parts of potential winning paylines and decide to make a second wager to add additional symbols to the first array.

In contrast, Ainsworth discloses a game that displays an initial array of symbols. In response to a trigger event such as a predetermined event in a primary game, additional symbols become available to extend existing paylines or provide new paylines. The extension of rows or columns gives the player a chance to play extended lines of symbols to achieve a winning result. (Col. 3, ll. 26-30). Ainsworth also discusses providing separate new arrays in addition to the initial array to give a player a second chance of winning by making additional wagers on the new arrays. (Col. 4, ll. 29-43). These new arrays are not created from the first array and thus Ainsworth does not disclose making additional wagers on a second array that is formed by the inclusion of symbols to the first array. Because the additional arrays are not related to the original first array, Ainsworth does not provide a player an element of strategy whether to make a second wager based on the display of the first array.

Applicant has amended claims 1, 15, and 37-39 to include the element of "making a second wager to be eligible for an award based on a second array." Claims 1, 15, and 37-39 already include the element that the second array is formed by adding a plurality of symbols to the first array. Ainsworth does not disclose making a second wager to be eligible for an award based on a second array formed from the first array with additional symbols. Ainsworth at best only discloses wagering on additional arrays which are separate from the first array. Amended claims 1, 15 and 37-39 are allowable over Ainsworth because Ainsworth does not disclose making a second wager on a second array formed in part from the first array.

Similarly, Applicant has amended claim 40 to include the element of "offering a player an option to make a wager on an expanded array" and "in response to the wager, expanding the array" to include additional symbol positions. Amended claim 40 is allowable over Ainsworth because Ainsworth does not disclose offering a player an option to make a wager on the expanded array which causes the array to be expanded.

With regard to claim 29, the Office Action concedes that Ainsworth does not disclose modifier symbols that are used to form a modified array. The Office Action asserts that one could combine the additive array of Ainsworth with the symbol modifiers of Locke. However, Locke relates to adding multiplier hourglass symbols 62 on the ends of the paylines as shown in Figures 4-7 and not in the array itself. Locke does not show multiplier symbols in the array itself as in the present application. The element of "modifier symbols" in claim 29 relates to the symbols themselves which have functions such as multiplying an award when in the array. The Examiner's citation of Figures 4-7 in Locke is inapplicable, because Locke puts multipliers on the ends of the paylines and does not insert array symbol type modifiers.

Initially, there is no motivation to include a modifier as a symbol in the array in either Locke or Ainsworth and therefore such a combination is illegitimate. Further, a combination of Locke and Ainsworth would not result in the element of "randomly selecting a plurality of modifier symbols" and "adding the plurality of modifier symbols to the first array to form a second array" because Ainsworth does not disclose the use of modifier symbols. Locke does not disclose altering the array by additional symbols when the multiplier indicators appear. Locke also does not add modifier symbols in either the first array or present modifier symbols in the second, non-existent array. Thus, the combination of these references would be limited to an expanded array of Ainsworth with multiplier type icons outside of the array as shown in Locke. For at least these reasons claim 29 and its dependents are allowable over Ainsworth and Locke either alone or in combination.

Applicant has amended claims 32 and 35 to add the element of revealing the modifier symbols to the first array to form the second array." As explained above, the Office Action concedes that Ainsworth does not disclose modifier symbols used to modify the array. A combination of Locke and Ainsworth would not result in the element of "randomly selecting a plurality of modifier symbols" and "revealing and adding the plurality of modifier symbols to the first array to form a second array" because neither Locke nor Ainsworth adds modifier symbols in either the first array or presents modifier symbols in the array. Further, these claims also include the element of either "modifying the symbols on each pay line in accordance with its associated modifier symbol to form a modified array" in the case of claim 32 or "modifying the symbols on the first winning pay line in accordance with its associated modifier symbol to form a modified array" in the case of claim 35. Neither Ainsworth nor Locke discloses modifying the symbols in a payline or paylines to form a modified array and therefore even the combination of

these references would not disclose this element. For at least these reasons claims 32 and 35 and their dependents are allowable over Ainsworth and Locke either alone or in combination

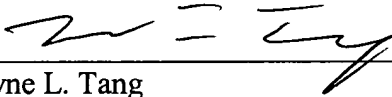
**Conclusion**

It is Applicant's belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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ANNOTATED MARKED-UP DRAWINGS

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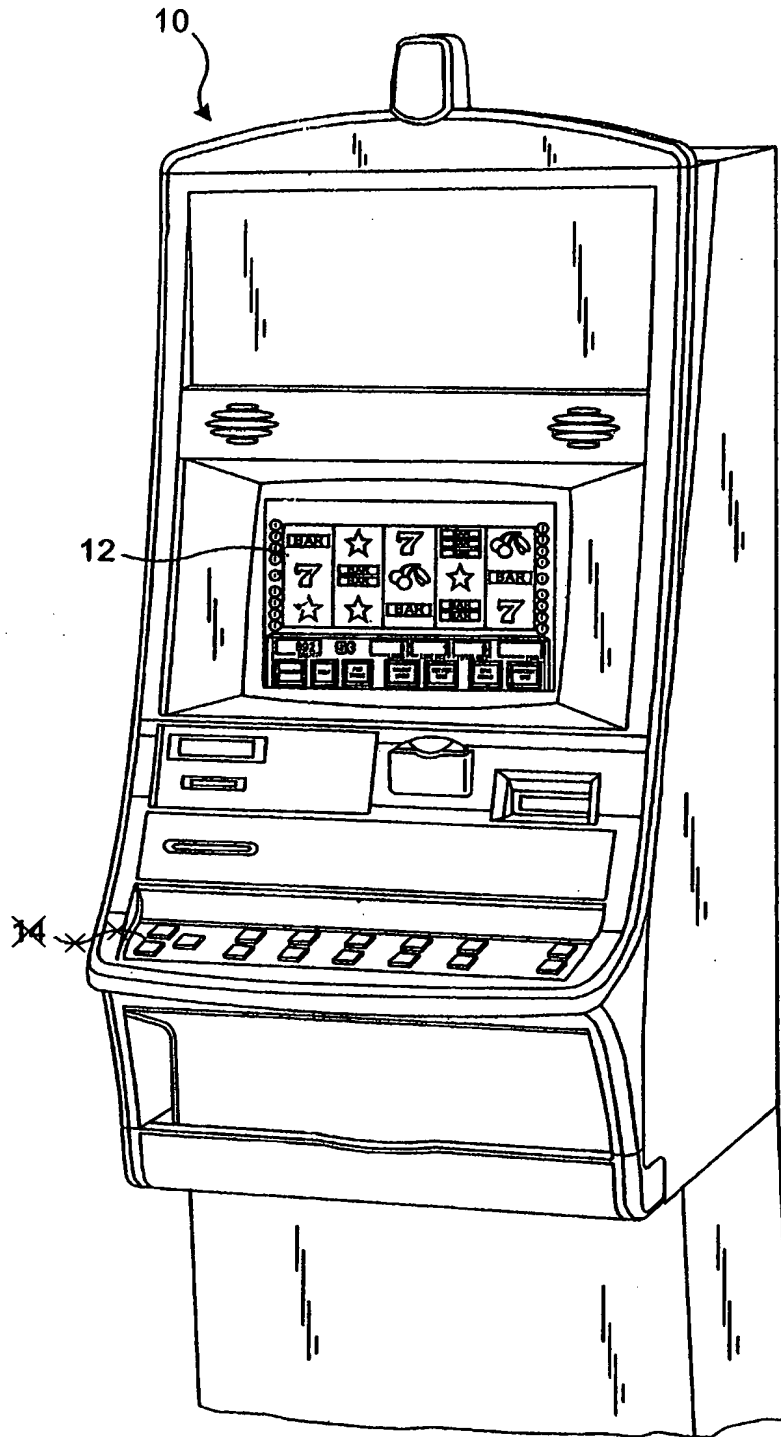


FIG. 1

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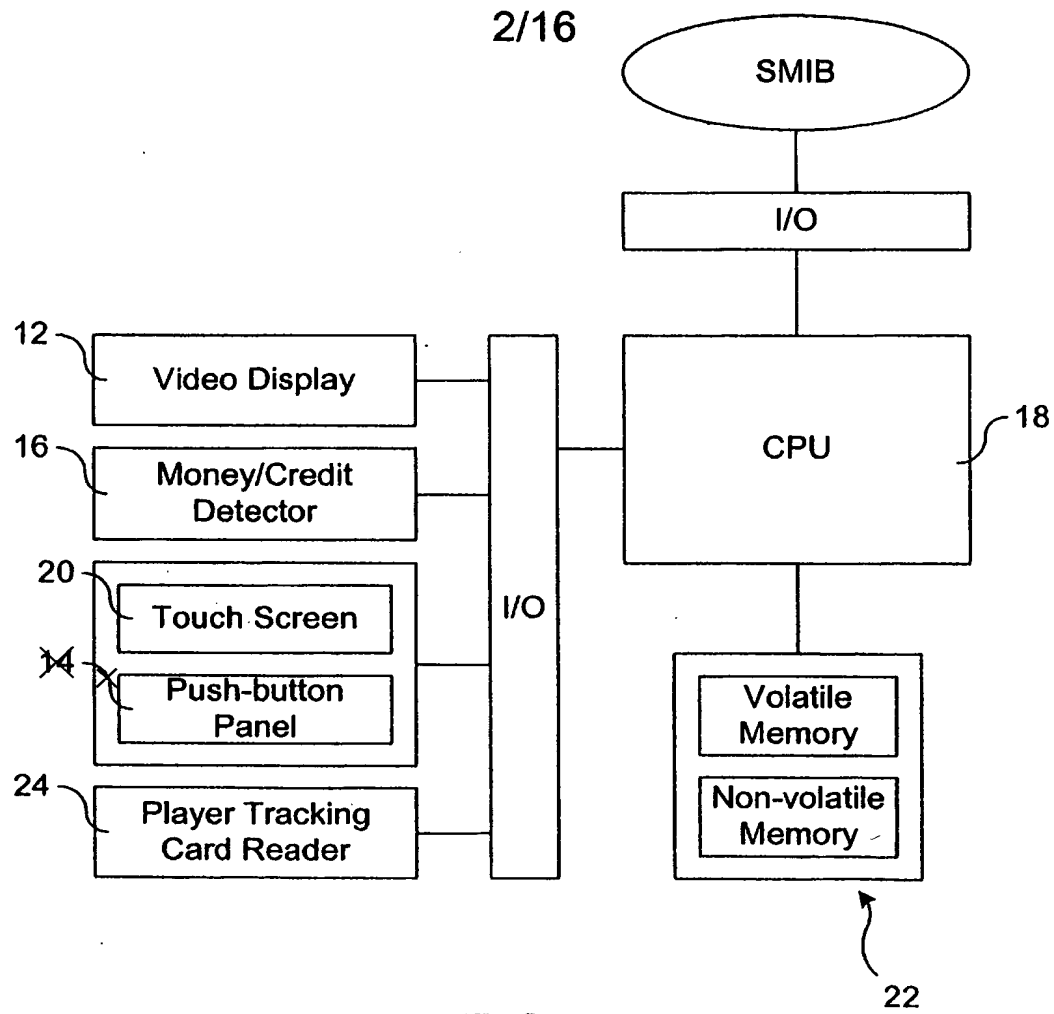


FIG. 4

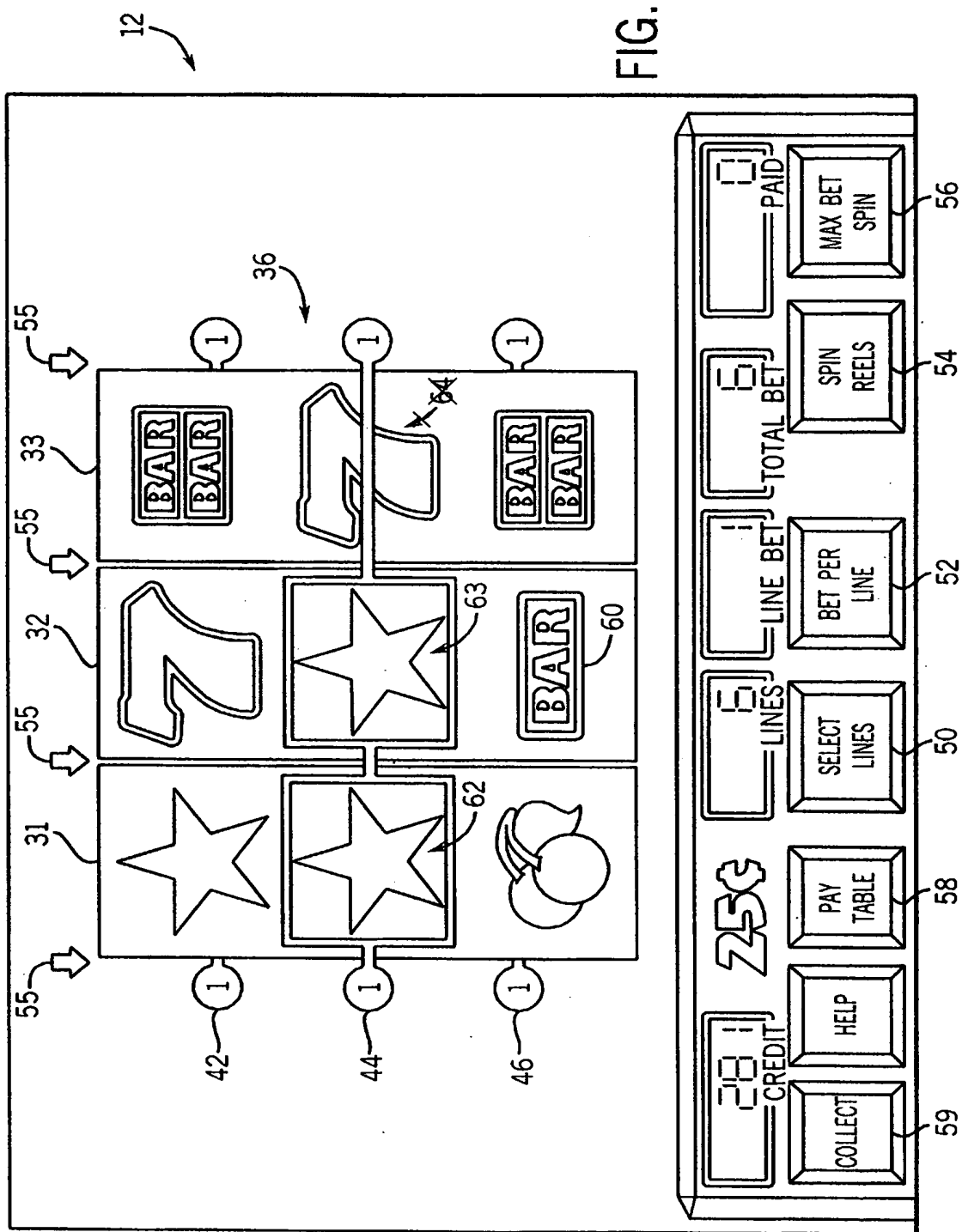






FIG. 5

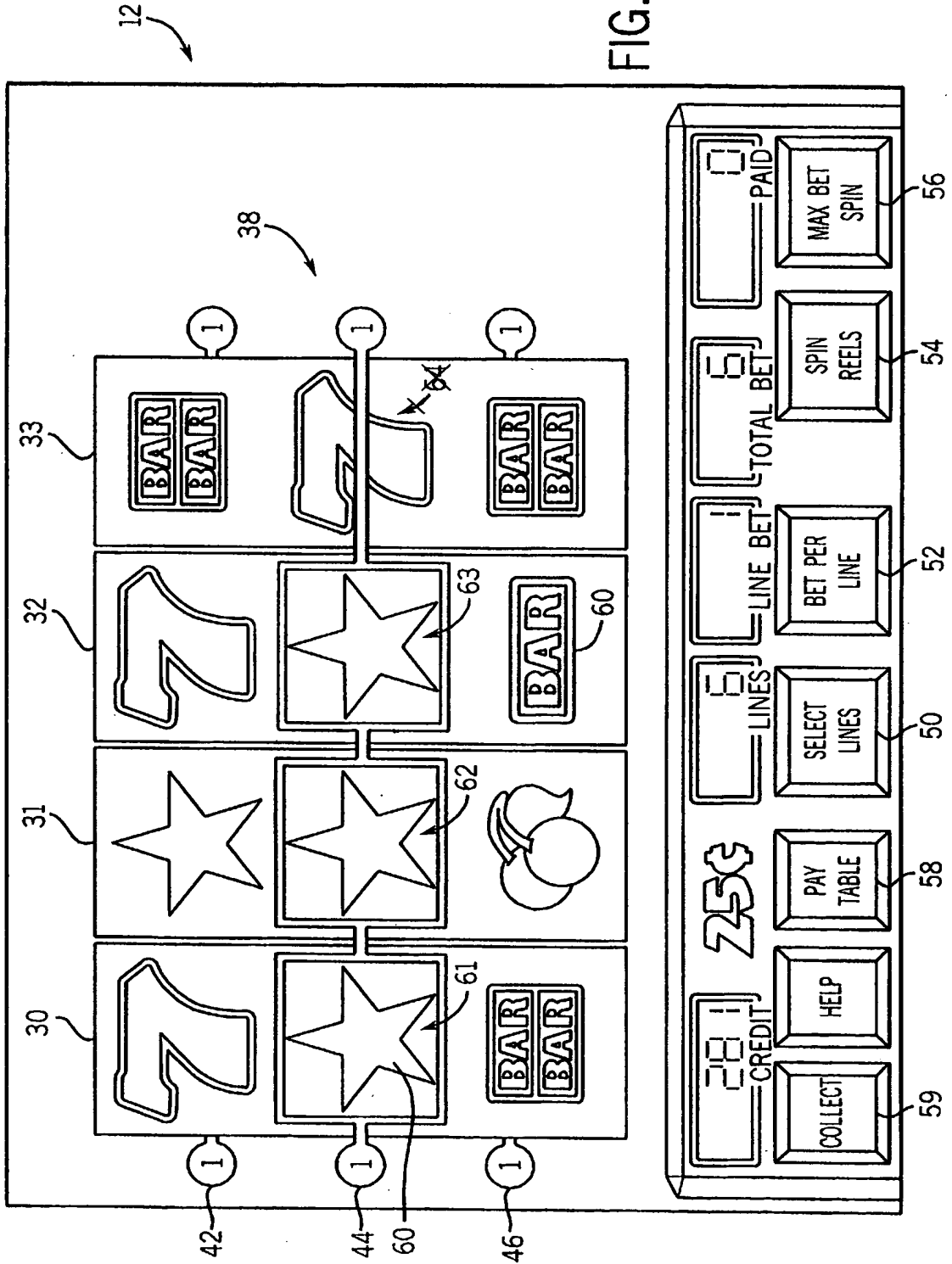
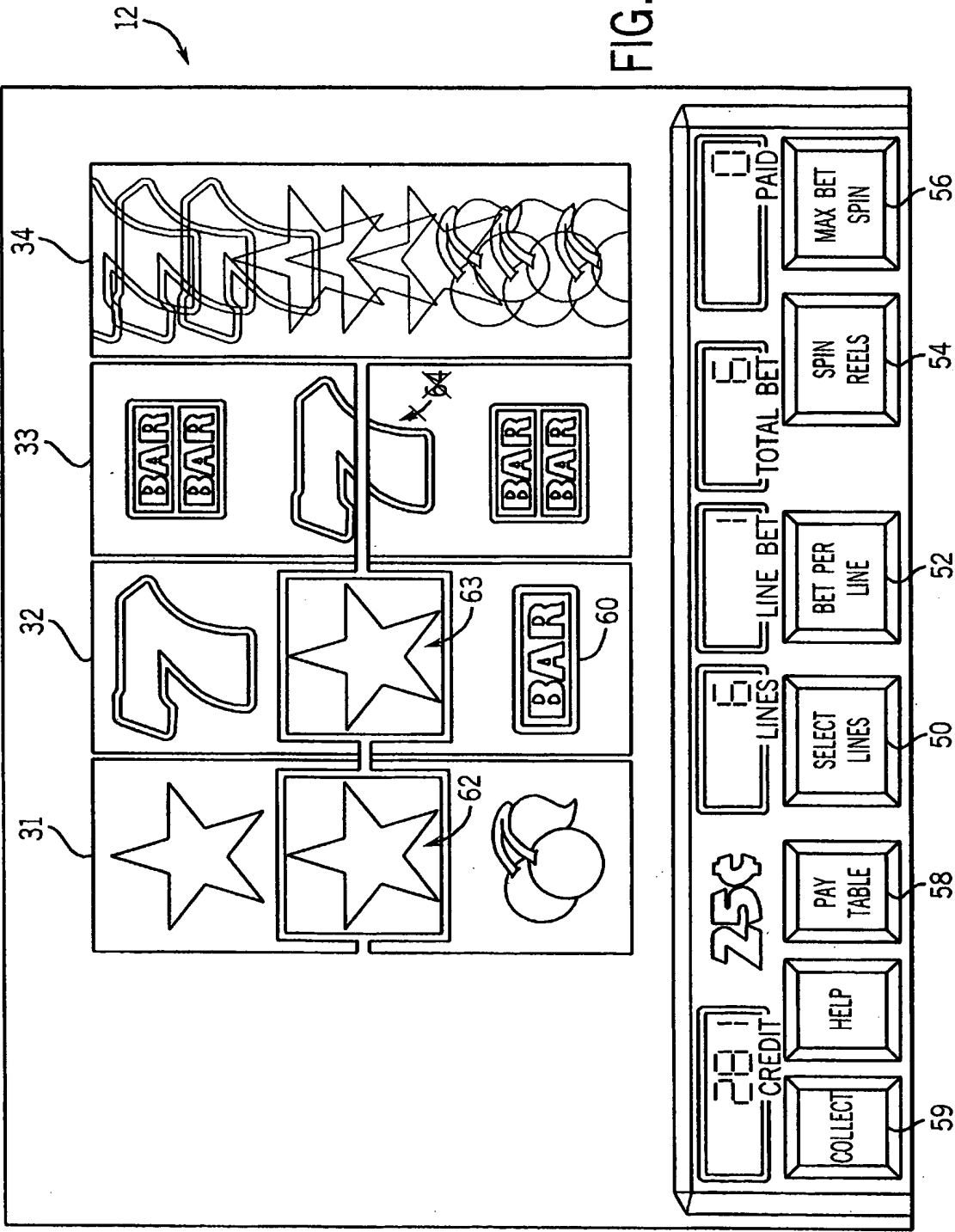
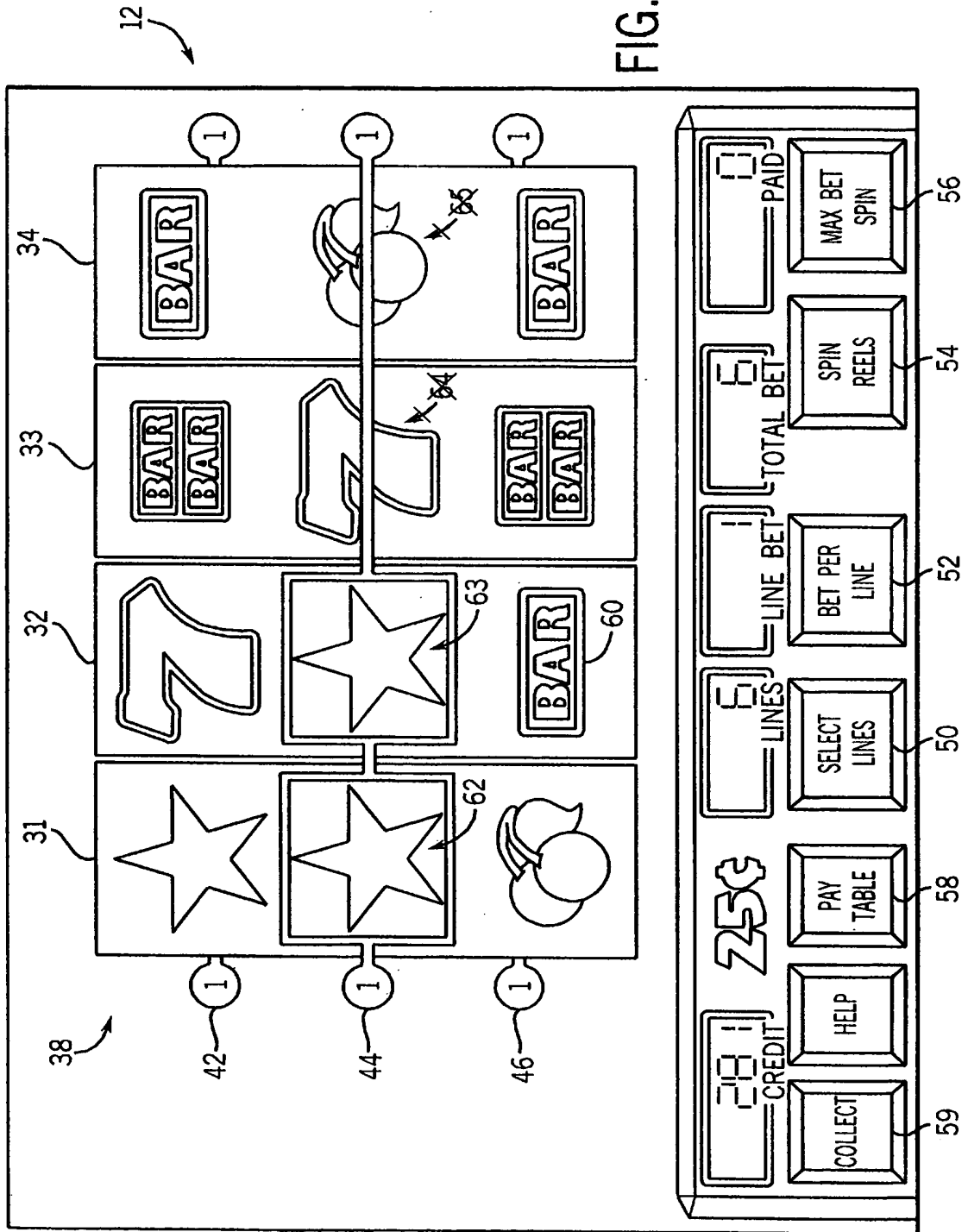


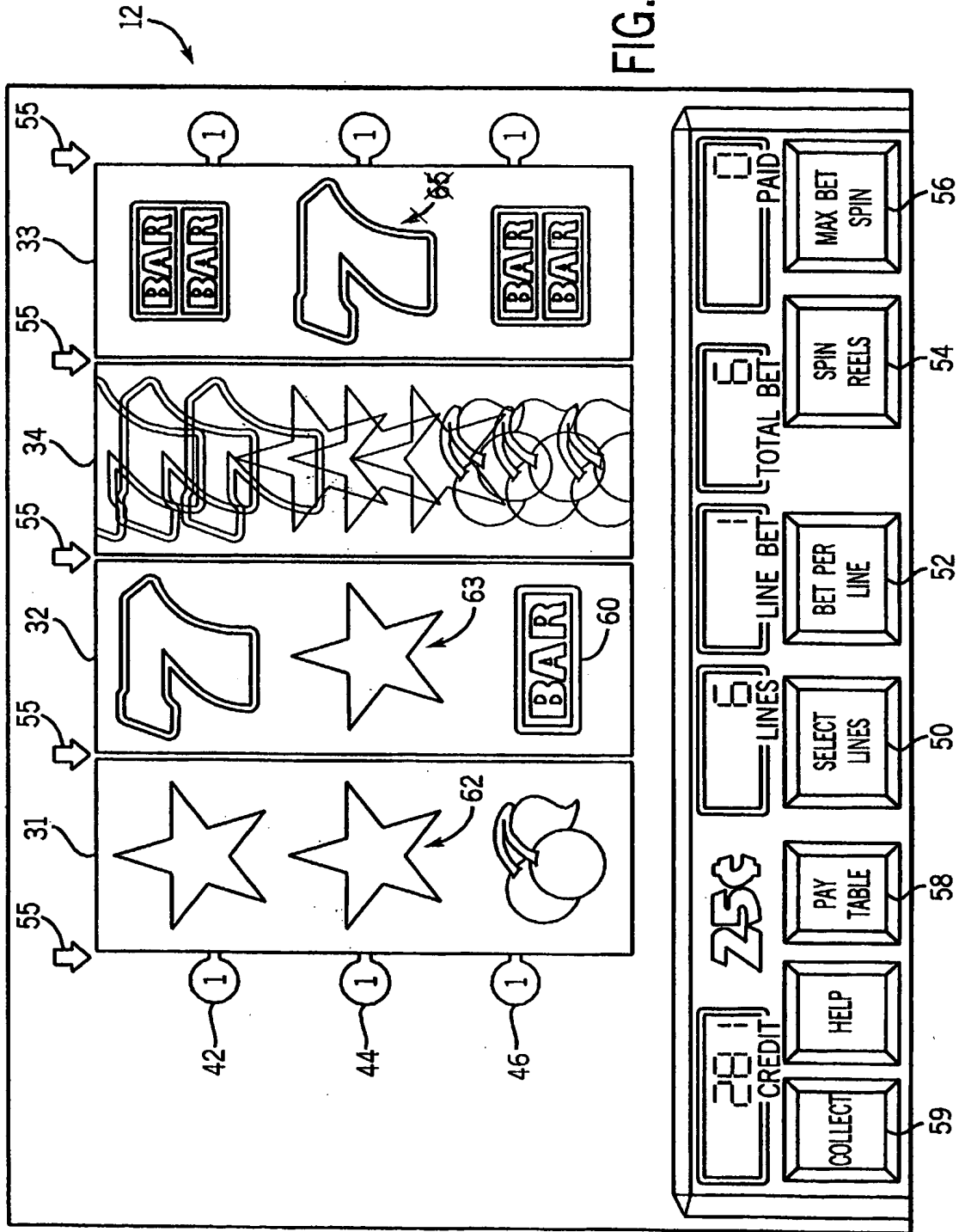
FIG. 7



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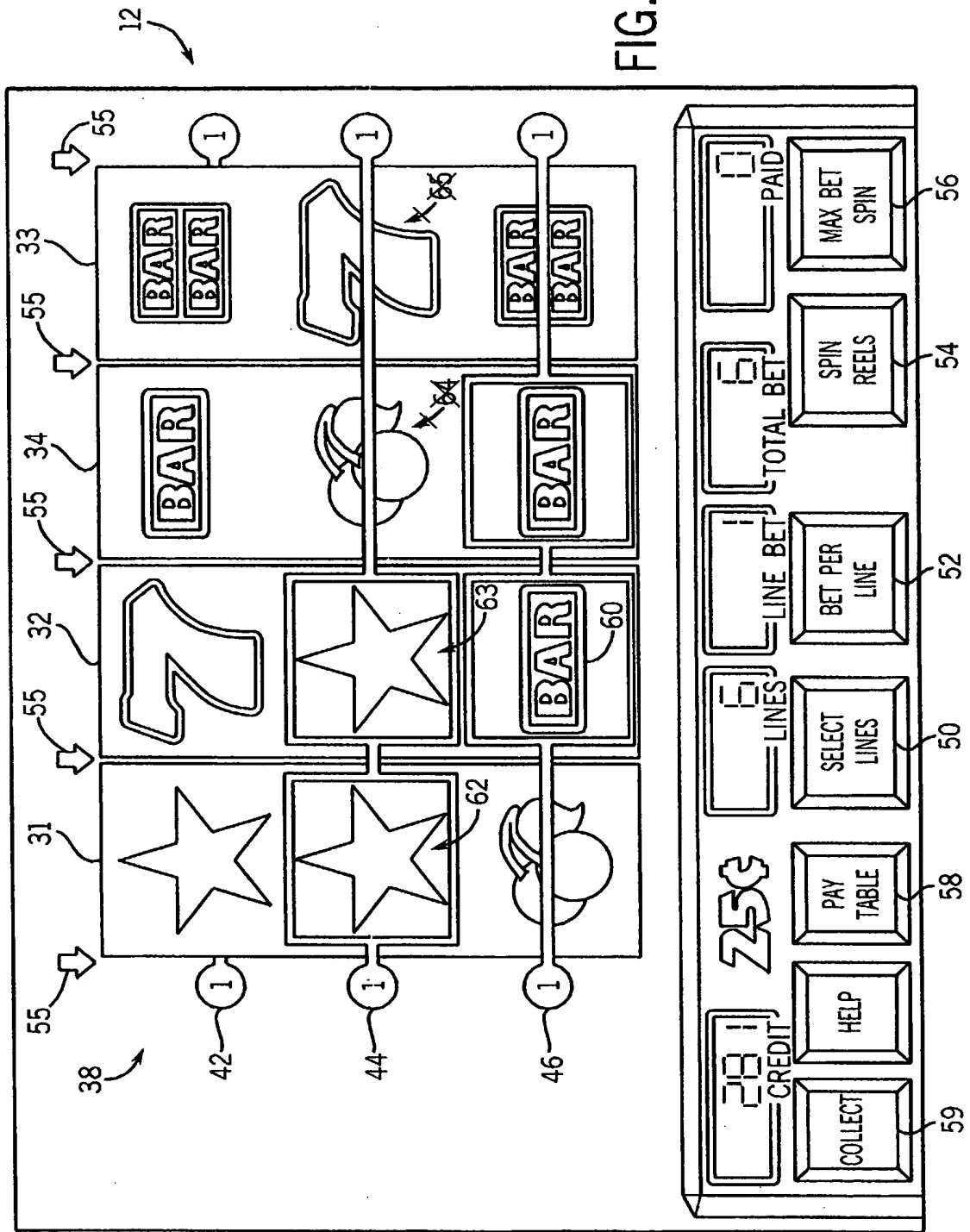
FIG. 8





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FIG. 10

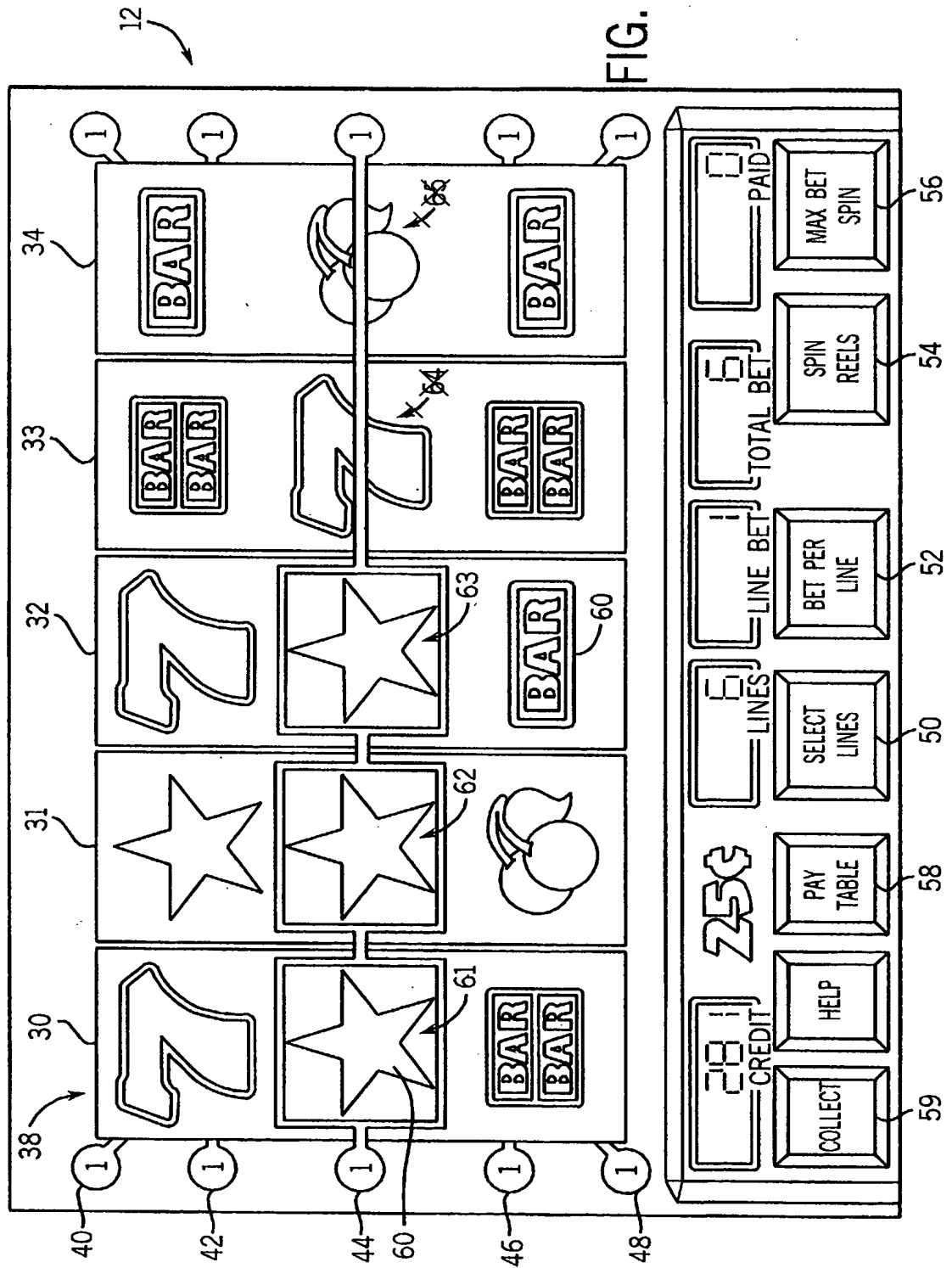


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FIG. 12





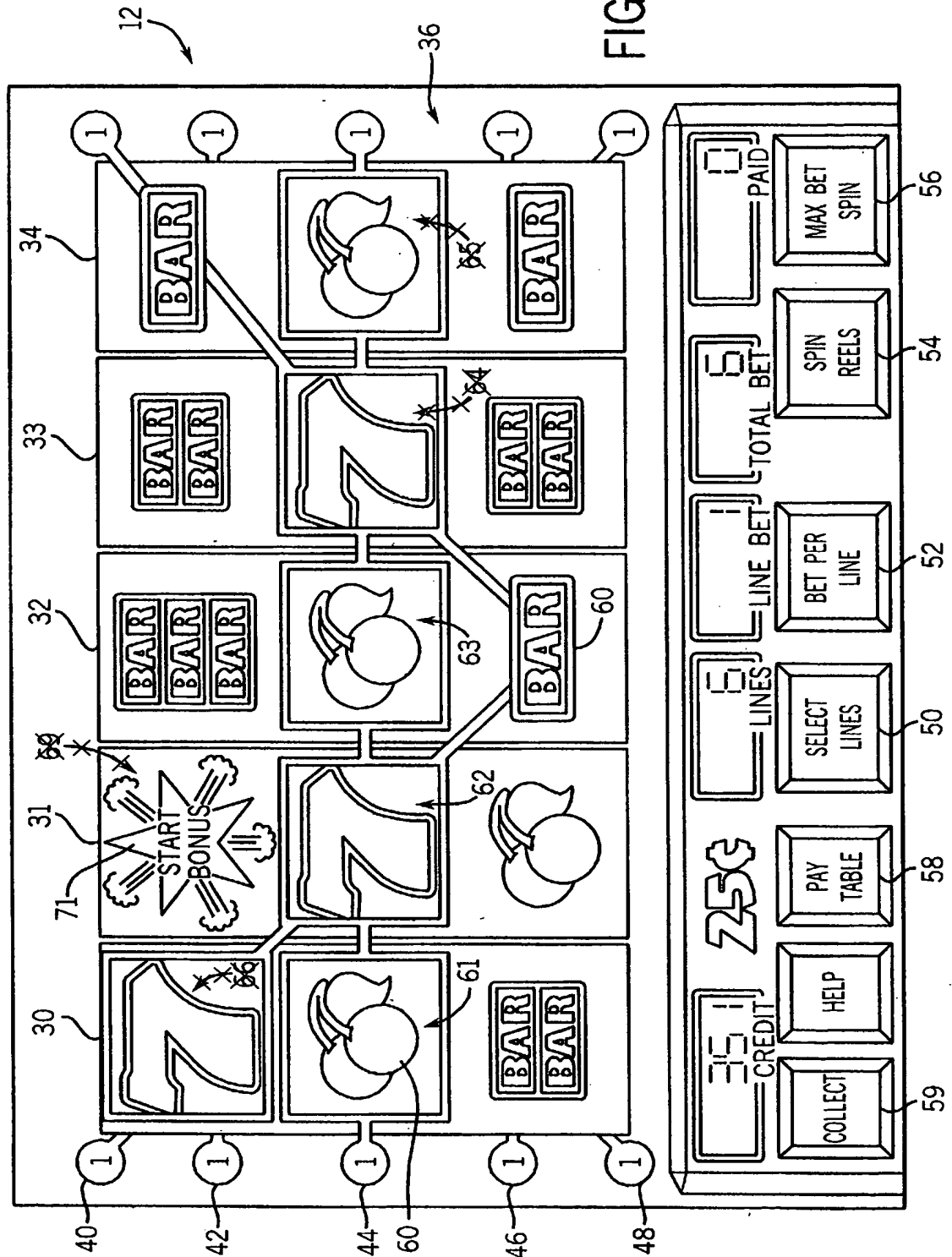


FIG. 15

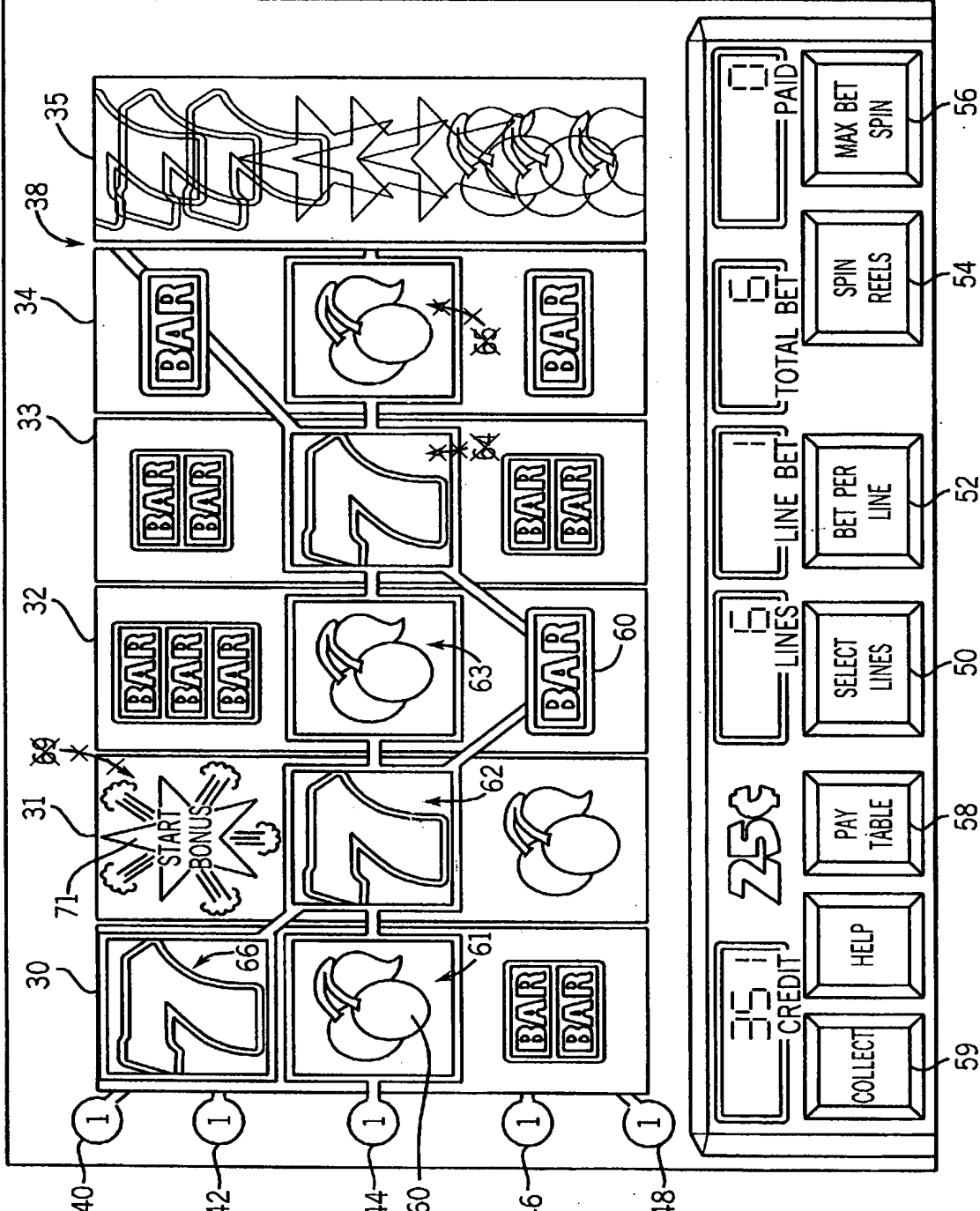


FIG. 16

